

REMARKS

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Claims 2-17, 19-21 and 27-35 are pending and under examination, with claim 29 being in independent format.

Claims 8 and 14 has been amended to correct a minor, non-substantive, errors in the claim language. Independent claim 29 has been amended to recite that the support layer contacts the overlying layer along the length of the free portion. It is urged that support for this amendment can be found, for example, in Figs. 1A and 4, and throughout the specification as originally filed, and that this amendment does not constitute new matter or raise new issues for consideration. Applicant specifically reserves the right to pursue claims to any subject matter cancelled from the claims by the above amendments in one or more related applications.

Claim rejections under 35 USC §102

Claims 2, 3, 5, 21, 27-29, 31 and 35 stand rejected under 35 USC §102(b) as being anticipated by US Patent 5,527,325 to Conley et al. ("Conley et al."). This rejection is respectfully traversed.

The Examiner asserts that Conley et al. teach an intracorporeal device comprising a tubular structure, wherein the tubular structure comprises "an overlying layer (28) and a supporting layer (30) defining an internal lumen (37)" and that the overlying layer and the supporting layer are connected at a bonding point "at one end of the support layer (at 34)". Conley et al. state that element 28 is an inflation tube and element 30 is a housing shaft (see, for example, col. 6, lines 36-47). An annular inflation lumen 33 is positioned between inflation tube 28 and housing shaft 30, through which fluid can be passed in order to inflate a lateral deflection means, such as a balloon 44. Inflation lumen 33 and housing shaft 30 are connected by a transition tube 34. More specifically, transition tube 34 is attached to the distal end of inflation tube 28 and is provided with a transition lumen 82 that "provides a sealed connection to the balloon leg 78" (col. 8, lines 46-56), whereby fluid can travel from the inflation lumen to the deflection means. Transition tube 34 "is at least partially laminated to the periphery of housing shaft 30", which in turn extends through transition tube 34 to a housing 38 (col. 6, line 64 - col. 7, line 2).

In contrast, amended independent claim 29 is drawn, in part, to a catheter comprising a tubular structure that comprises an overlying layer and a support layer defining an internal lumen, wherein the support layer is attached to the overlying layer at a bonding point and not attached to the overlying layer along a free portion, and the support layer contacts the overlying layer along the length of the free portion, whereby the support layer is slippable relative to the overlying layer along the free portion when the tubular structure is bent. As noted in the Amendment and Reply filed on February 3, 2010, the ability of the support layer to slip relative to the overlying layer when the tubular structure is bent, surprisingly provides a highly flexible structure with sufficient mechanical integrity and pushability to function as an interventional catheter. Tubular structures having this configuration also reduce the incidence of kinking due to the relative movement of the layers with respect to one another.

Conley et al. do not teach or suggest a tubular structure including an overlying layer and a support layer that are attached at a bonding point but not attached along a free portion and wherein the two layers are in contact along the length of the free portion as recited in claim 29. Furthermore, the annular inflation shaft of Conley is not provided in order to improve pushability or reduce kinking of a tubular structure but rather to facilitate inflation of a lateral deflection device.

It is thus submitted that Conley et al. do not teach or suggest the subject matter recited in independent claim 29, and that the rejection of claims 2, 3, 5, 21, 27-29, 31 and 35 under 35 USC §102(b) can be properly withdrawn.

Claim 30 stand rejected as being taught by, or alternatively as being obvious in view of, Conley et al. This rejection is respectfully traversed.

The Examiner assert that claim 30 is a product-by-process claim. Applicant respectfully disagrees. In particular, applicant notes that claim 30 is drawn to the device of claim 29 "wherein the support layer is welded to the operating head", not to the device of claim 29 made by a particular process.

The teachings of Conley et al. as they relate to independent claim 29 are discussed above. Claim 30 depends from, and thereby includes all the limitations of, claim 29. It is submitted that, for at least the reasons discussed above with respect to claim 29, Conley et al. do not teach or

suggest the subject matter of claim 30 and that this rejection of claim 30 can be properly withdrawn.

Claim rejections under 35 USC §103

Claim 4-7, 11-13 and 32-34 stand rejected under 35 USC §103(a) as being unpatentable over Conley et al. This rejection is respectfully traversed.

Claims 4-7, 11-13 and 32-34 all depend, either directly or indirectly, from independent claim 29 and thereby all include the limitations of claim 29. The disclosure of Conley et al. as it relates to claim 29 is discussed above. For at least the reasons discussed above, it is submitted that the disclosure of Conley et al. would not have rendered the subject matter of claims 4-7, 11-13 and 32-34 obvious to one of skill in the art at the time the present invention was made, and that this rejection of claims 4-7, 11-13 and 32-34 can thus be properly withdrawn.

Claims 8-10, 14-17 and 19 stand rejected under 35 USC §103(a) as being unpatentable over Conley et al. in view of US Patent 6,270,477 to Bagaoisan et al. ("Bagaoisan et al."). This rejection is respectfully traversed.

Claims 8-10, 14-17 and 19 all depend, either directly or indirectly, from independent claim 29. The teachings of Conley et al. as they relate to claim 29 are discussed above.

The disclosure of Bagaoisan et al. relates to catheters for use in emboli containment systems. The Examiner states that Bagaoisan et al. teach the use of a braided wire or coil having gaps to reinforce a tubular body, and asserts that it would have been obvious to modify the device of Conley et al in view of Bagaoisan et al. "to use a coiled wire as opposed to a braided wire". Bagaoisan et al. do not overcome the deficiencies of Conley et al. discussed above.

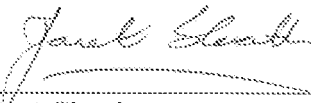
It is submitted that neither Conley et al. nor Bagaoisan et al., taken either singly or in combination, would have rendered the presently claimed invention obvious to one of skill in the art at the time the invention was made, and that the rejection of claims 8-10, 14-17 and 19 under 35 USC §103(a) can therefore be properly withdrawn.

Concluding Remarks

A request for a three month extension of time, extending the deadline for responding to the Office Action to September 29, 2011, is submitted herewith.

Every effort has been made to put the subject application in condition for allowance. Should the Examiner have any remaining concerns regarding this application, he is respectfully requested to telephone the undersigned at 206.382.1191.

Respectfully submitted,

By: 
Janet Sleath
Registration No. 37,007

SPECKMAN LAW GROUP PLLC

20601